

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, July 6, 2004

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Presentations/Information Updates

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA ITEMS 1 - 13

Tuesday, July 6, 2004
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How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Construction Bid Award for the Water Campus Phase 3 Expansion Project**

Request: Authorize Construction Bid Award No. 04PB066 for expansion of the Water Campus from 12 million gallons per day (mgd) treatment capacity to 20 mgd to MGC Contractors, Inc., the lowest responsive bidder, at their unit price bid of \$19,347,047.

Related Policies, References:

- a. Wastewater System Master Plan approved by City Council on October 15, 2001.
- b. Engineering Services Contract No. 2001-167-COS with Damson S. Williams Associates (DSWA), for concept design of Water Campus expansion, approved by City Council on November 26, 2001.
- c. Engineering Services Contract No. 2003-007-COS with DSWA for design of the Water Campus Phase 3 Expansion, approved by City Council on February 3, 2003.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Alison Tymkiw, Sr. Project Manager, 480-312-7985, atymkiw@scottsdaleaz.gov; Joe Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

2. **Construction Bid Award for Water System Capacity Improvements in Original Scottsdale**

Request: Authorize Construction Bid Award No. 04PB042 to SJL Construction of Arizona, the lowest responsive bidder, at their unit price bid of \$831,700.16.

Related Policies, References:

- a. Engineering Services Contract No. 2000-198-COS with David Evans and Associates, Inc., for the design of Year 2001 Water Distribution System Improvements approved by City Council on December 18, 2000.
- b. Contract modification to Engineering Services Contract No. 2000-198-COS-A for the design of Year 2002 prioritized projects approved by City Council on December 10, 2001.
- c. Contract modification to Engineering Services Contract No. 2000-198-COS-B for the third and final year of the design contract approved by City Council on December 10, 2002.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Alison Tymkiw, Project Manager, 480-312-7985, atymkiw@ScottsdaleAZ.gov

3. **Engineering Services Contract for the design of Water Distribution System Improvements - Alma School Road and Jomax Road Area**

Request: Authorize Engineering Services Contract No. 2004-102-COS with David Evans and Associates, Inc. (DEA), in the amount of \$84,955 for the design of Water Distribution System Improvements.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Alison Tymkiw, Sr. Project Manager, 480- 312-7985, atymkiw@scottsdaleaz.gov

4. **Construction of CAP Water Connection - Shea Boulevard to McDonald Drive**

Requests:

1. Authorize Bid Award No. 04PB065 for construction of the CAP Water Connection project to Pierson Construction Corp., the lowest responsive bidder, at their unit price bid of \$7,783,730.
2. Authorize Engineering Services Contract Modification 2002-073-COS-A with HDR Engineering, Inc. for \$974,920 for engineering services during construction of the CAP Water Connection project and the Chaparral Water Treatment Plant (WTP) Waterlines project.
3. Adopt Resolution No. 6513 authorizing acquisition of rights-of-way from property owned by Sands McCormick Homeowners Association located between Mountain View and Via Linda, at the appraised value of \$1,245, for the CAP Water Connection project.

Related Policies, References:

- a. Council approved the 2001 Water Resources Master Plan on October 15, 2001.
- b. Council approved Engineering Services Contract 2002-073-COS for conceptual design of CAP Water Connection project and Chaparral WTP Waterlines project with HDR Engineering, Inc., on July 1, 2002.
- c. Council approved Engineering Services Contract Modification 2002-073-COS-A for final design of the CAP Water Connection project and Chaparral WTP Waterlines project with HDR Engineering, Inc., on April 14, 2003.
- d. Council approved Construction Bid Award No. 04PB064 to Achen-Gardner Engineering, LLC, for construction of the influent and distribution waterlines associated with the Chaparral WTP, on June 22, 2004.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Doreen Song, P.E. Project Manager, 480-312-2367, dsong@scottsdaleaz.gov

5. **104th Street Road and Drainage Improvements – Desert Cove to Mary Katherine Drive**

Requests:

1. Authorize Bid Award No. 04PB096 for construction of 104th Street Road and Drainage Improvements – Desert Cove to Mary Katherine Drive to Bison Contracting, Inc., the lowest responsive bidder, at their unit price bid of \$692,959.03.
2. Adopt Resolution No. 6472 authorizing the acquisition of real property interests from one property located at 10390 E. Cholla Street, at the appraised value of \$3,634 plus approximately \$800 in closing costs for construction of the 104th St. Road and Drainage Improvements.

Related policies, references: On August 25, 2003, Council approved Engineering Services Contract No. 2003-129-COS with Carter Burgess for 104th Street Road and Drainage Improvements – Desert Cove to Mary Katherine Drive.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov; Stanley Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov

6. **Construction Bid Award for Site Demolition, Utilities Infrastructure and Site Grading for McDowell Village Project**

Request: Authorize Construction Bid Award No. 04PB114 for Phase I Site Demolition, Utilities Infrastructure and Site Grading for the McDowell Village Project to Visus Engineering Construction, the lowest responsive bidder, at their unit price bid of \$355,000.

Related Policies, References:

- Council approved purchase of the site: 1/21/01
- Council presentation regarding community outreach: 5/14/01
- Master planning contract with EDAW 2/19/02
- Council direction to move forward with RFP process: 7/1/02
- Council action granting Exclusive Right to Negotiate to Trend Homes: 1/21/03
- Council action granting Exclusive Right to Negotiate to RED Group, LLC: 3/31/03
- Council action granting extension of the Exclusive Right to Negotiate: 8/25/03
- Council approved Redevelopment Agreement 2003-160-COS and related zoning actions on 9/23/03
- Development Review Board Approval: 2/5/04

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov

7. **Architectural Services Contracts for the design of the Police/Fire Training Facility (Phase 2), District Three Patrol Station Expansion and the replacement of the Mounted Patrol Stable**

Requests:

1. Authorize Architectural Services Contract No. 2004-100-COS with Perlman Architects of Arizona, Inc., Architects, in the amount of \$163,500 for the design of the Police/Fire Training Center (Phase 2).
2. Authorize Architectural Services Contract No. 2004-101-COS with Hunt & Caraway Architects, Ltd, in the amount of \$54,400 for the design of the District Three patrol station expansion and replacement of the mounted patrol barn.

Related Policies, References:

- Council authorized Architectural Services Contract 2000-197-COS On May 14, 2001 for a Police Department modeling, master planning and site evaluation study.
- FY 2004/05 Capital Improvement Plan includes funding for the Police/Fire Training (Phase II), District Three Expansion and the Mounted Patrol Barn Replacement projects.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; J. Daniel Walsh, Project Manager, 480-312-5248, dwalsh@scottsdaleaz.gov; Marc Eisen, Homeland Security Director, 480-312-7999, meisen@scottsdaleaz.gov

8. Construction Bid Award for Site Improvements at the McKellips Service Center

Request: Authorize Bid Award No. 04PB113 for construction of a buffer wall and new vehicle impound lot at the McKellips Service Center to Regency Development Inc., the lowest responsive bidder, at their lump sum bid of \$205,292.

Related Policies, References:

- Development Review Board approved Case 92-DR-2001 for a multi-use path and buffer wall along the south side of the McKellips Service Center site.
- Council approved Planning Case 2-UP-2004 for a Municipal Use Master Site Plan, which included the development of the buffer area and multi-use path.
- Development Review Board approved Case 18-DR-2004 for the new police facilities to be located on the north half of the site and stipulated that completion of the multi-use path and associated amenities was part of the approval.

Staff Contact(s): Daniel Worth, City Engineer, 480-312-2776, dworth@scottsdaleaz.gov; J. Daniel Walsh, Project Manager, 480-312-5248, dwalsh@scottsdaleaz.gov

9. Public Defender Services for City Court

Request: Authorize Professional Service Contracts No. 2003-110-COS with Manny Bustamante and No. 2004-093-COS with Brandi Beougher, to provide legal counsel for criminal defense representation of indigent and quasi-indigent defendants in the Scottsdale City Court.

Related Policies, References: The United States Constitution, the Arizona Constitution, and the Rules of Criminal Procedure for the State of Arizona, Section III Rights of Parties, Rule 6- Attorneys, Appointment of Counsel.

Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Daniel W. Edwards, Deputy Court Administrator, 480-312-3092, dwedwards@scottsdaleaz.gov

10. Water Service Agreement for Lot 5A of the Carefree Ranch Homesteads Subdivision

Request: Adopt Resolution No. 6514 authorizing the execution of Water Services Agreement No. 2004-106-COS for Lot 5A, Carefree Ranch Homesteads, Maricopa County Tax Assessor Parcel No. 219-47-048B, with Richard M. and Robin L. Slutsky.

Staff Contact(s): David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov; Greg Crossman, Sr. Water Resources Engineer, 480-312-5319, gcrossman@scottsdaleaz.gov

11. Gila River General Stream Adjudication Legal Services Contract

Request: Adopt Resolution No. 6517 authorizing the Mayor to execute Intergovernmental Agreement No. 2003-145A-COS, among the cities of Scottsdale, Glendale, Mesa and Chandler to provide for joint funding for outside legal counsel in the Gila River General Stream Adjudication, and Agreement No. 2003-144A-COS, a contract for legal services with Engelman Berger, P.C. that sets forth in detail the terms of the City's representation.

Related Policies, References:

Resolution No. 6517

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Steven B. Bennett, Deputy City Attorney, 480-312-2405, sbennett@scottsdaleaz.gov

12. **Contract for Legal Services in connection with City of Scottsdale v. Bartlett View Properties II Limited**

Request: Adopt Resolution No. 6520 authorizing the Mayor to execute Contract No. 2003-168A-COS, an outside counsel contract renewal in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Bartlett View Properties II Limited, Superior Court Case No. CV2001-012495, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6520

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

13. **Contract for Legal Services in connection with City of Scottsdale v. Alpine Valley Limited Partnership**

Request: Adopt Resolution No. 6519 authorizing the Mayor to execute Contract No. 2003-167A-COS, an outside counsel contract renewal in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Alpine Valley Limited Partnership, Superior Court Case No. CV2001-012496, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6519

Staff Contact(s): Joseph R. Bertoldo, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a comment card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

14. ASU Center for New Technology and Innovation

The City Council is requested to:

1. Adopt Resolution No. 6523 authorizing the City to enter into a Real Estate Purchase Agreement (Agreement No. 2004-121-COS) with an affiliate of the Arizona State University Foundation (ASUF”) for the acquisition of the former Los Arcos Mall site (approximately 42 acres; the “Property”) for \$41.5 million (plus closing costs), to nominate the City of Scottsdale Municipal Property Corporation (“MPC”) as the “Buyer” under the Purchase Agreement, and to declare an emergency.
2. Adopt Resolution No. 6512 authorizing Agreement No. 2004-120-COS between the City and the Scottsdale Municipal Property Corporation to facilitate the acquisition of the Property by the MPC; to provide for the short term advance of funds by the City to the MPC; to approve the issuance of bonds by the MPC (not to exceed \$42.0 million) to finance the acquisition and to pay real estate closing costs and bond finance costs; to authorize the purchase of the Property by the City from the MPC, and to declare an emergency.
3. Adopt Resolution No. 6524 authorizing Agreement No. 2004-119-COS, a ground lease of portions of the Property to ASUF for the development of the “ASU-Scottsdale Center for New Technology and Innovation,” and to declare an emergency.
4. Approve Capital Budget transfers and expenditures within the Adopted FY04/05 Budget for the acquisition of the Property by the City from the MPC, not to exceed \$42 million, representing the purchase price, and estimated closing costs and bond finance costs;
5. Approve Capital Budget transfer for the purpose of initial public infrastructure expenditures related to the Property, (e.g., site demolition, environmental remediation, grading, water and sewer lines, roadwork, street lighting, public art, etc.), from the Adopted FY04/05 Economic Investment Budget, not to exceed \$9 million.
6. Consider a request by Vice Mayor Littlefield to establish a formal City taskforce to make recommendations relating to future development of the approximate five (5) acres to be retained by the City.

The use of an Emergency Clause for Resolution Nos. 6523, 6512, and 6524, is required, in part, because the opportunity to acquire the Property from ASUF is subject to time constraints imposed by ASUF (and, in turn, the seller to ASUF) and requires immediate, effective action by the City.

THIS ITEM IS CONTINUED ON THE FOLLOWING PAGE

Related Policies, References:

- Council forms Los Arcos Redevelopment District -- 12/18/95
- Los Arcos Redevelopment Plan adopted -- 7/2/96
- Original Los Arcos Request for Proposals Issued -- 7/18/97
- Council Action on preferred Smith Group development option -- 2/5/02
- Council Action authorizing Agreement No. 2003-115-COS with Los Arcos Development for the development of a power center -- 7/2/03
- City referendum overturning Agreement No. 2003-115-COS -- 3/9/04
- Adopted Financial (Debt) Policies, Resolution No. 6488 -- 5/17/04
- Economic Vitality Action Plan -- 12/19/02

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

Public Comment

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City Manager's Report**Mayor and Council Items****Adjournment**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Tuesday agenda to the agenda for the Wednesday meeting.